

**RECEIVED**  
**CENTRAL FAX CENTER** Docket No. 6237.NCP DV1  
Serial No. 10/761,070  
SEP 16 2004 Page 1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1624  
Examiner : Brenda Coleman  
Applicant(s) : MDEnnis, RLHoffman, NBGhazal, RMOlson  
Serial Number : 10/761,070  
Filed : 01/20/2004  
For : NOVEL 2,3,4,5-TETRAHYDRO-  
1H[1,4]DIAZEPINO[1,7a]INDOLE COMPOUNDS

Commissioner of Patents and Trademarks  
Washington, DC 20231

REPLY IN RESPONSE TO THE 08/25/2004 OFFICE COMMUNICATION  
AND SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

**Amendment Instructions**

In the response to the 08/25/2004 Office Communication, Applicants request that the attached amendment to the abstract and claims be accepted. Please disregard the previous two submissions, one with a preliminary amendment dated 20 January 2004 submitted with the pending divisional application and one with an amended abstract dated 19 May 2004 in response to the 04/28/2004 Notice to File Corrected Application Papers. Applicants further correct typographical errors in the specification as discussed herein.

The amendments begin after page 3 of this paper. The amendment is numbered -#PA  
Discussion begins on page 2 of this paper.

**Amendment Instruction**

Please replace paragraphs in the Specification spanning the following pages: page 3, line 17 to page 5, line 24, and page 9, line 1 to page 11, line 27 to correct typographical errors.

FORM PTORSP  
Rev. 5/1999

**BEST AVAILABLE COPY**

Docket No. 6237.NCP DV1  
Serial No. 10/761,070  
Page 2

Claims 1-18 and 21-27 are to be canceled and deleted. Claims 19 and 20 are the only pending claims and are amended herein to correct typographical errors.

Please delete the abstract as originally filed on pages 329-331 and replace with the abstract provided herein.

### **Discussion of Supplemental Preliminary Amendment**

#### Specification

A typographical error is being corrected to change CO2 to CO<sub>2</sub> in the following locations (references to the attached amended Specification):

-1-PA, lines 11, 23, 29; page -2-PA, lines 10, 19, 32; page -4-PA, lines 10, 22, 28; and page -5-PA, lines 9, 18, 31.

A typographical error is being corrected to change CH2 to CH<sub>2</sub> in the following locations (references to the attached amended Specification):

-1-PA, lines 15, 29, 30; page -2-PA, line 1; page -3-PA, line 1; page -4-PA, lines 14, 28-30; and page -6-PA, line 1.

#### Claims:

Claims 1-18 and 21-27 are to be canceled and deleted.

Claims 19 and 20 are the only pending claims and are amended to correct typographical errors of "2" not being subscripted in the following places, with locations referring to the attached amendment (references to the attached Listing of Claims):

To change CO2 to CO<sub>2</sub>: page -7-PA, lines 7 and 20.

To change CH2 to CH<sub>2</sub>: page -7-PA, line 16; page -8-PA, line 6.

#### Abstract:

Please delete the Abstract as originally filed on pages 329-331. Please replace with the attached amended abstract. Support for the amended abstract can be found on at least page 1, lines 13-15, and page 3, line 17 to page 5, line 24 of the originally filed application. Said amendment does not add new matter. The clean version of this proposed amendment was

FORM PTORSP  
Rev. 5/1999

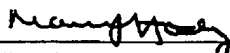
Docket No. 6237.NCP DV1  
Serial No. 10/761,070  
Page 3

submitted by instructions dated 19 May 2004 in response to the 04/28/2004 Notice to File  
Corrected Application Papers.

### Conclusion

Applicant respectfully submits that the amendments should be allowed. Applicants believe that the claims are in order for allowance, early notice of which is requested. If Examiner has any questions concerning this application, Examiner is invited to contact the below-signed attorney. It is believed that no fees are due. If necessary, please charge any additional fees or credit overpayment to our deposit account 21-0718.

Respectfully submitted,

  
\_\_\_\_\_  
Mary J. Hosley, Attorney  
Registration No. 48,324

Date: 16 September 2004

Pharmacia & Upjohn Company  
Global Intellectual Property  
301 Henrietta Street  
Kalamazoo, Michigan 49001

Telephone No. (269) 833-0975 or (269) 833-9500  
Telefax No. (269) 833-8897 or (269) 833-2316

FORM PTORSP  
Rev. 5/1999

**RECEIVED**  
**CENTRAL FAX CENTER**

SEP 16 2004

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/761,070	
	Filing Date	January 20, 2004	
	First Named Inventor	MD Ennis	
	Art Unit	1624	
	Examiner Name	Brenda Coleman	
Total Number of Pages in This Submission	15	Attorney Docket Number	6237.NCP DV1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mary J. Hosley, Reg. No. 48,324
Signature	<i>Mary J. Hosley</i>
Date	16 September 2004

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Carolyn S. VanderMolen	
Signature	<i>Carolyn S. VanderMolen</i>	Date 9/16/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**